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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 NATHANIEL WADDELL,

12 Plaintiff,

13 v.

14 A. MINTON, et al.,

15 Defendants.
16

No. 2:20-cv-0307 CKD P

ORDER

17 Plaintiff, an inmate at Napa State Hospital proceeding pro se, has filed a civil rights action
18 pursuant to 42 U.S.C. § 1983. Plaintiff has neither filed an application to proceed in forma
19 pauperis pursuant to 28 U.S.C. § 1915 nor paid the filing fee for this action.


20 The federal venue statute provides that a civil action “may be brought in (1) a judicial
21 district in which any defendant resides, if all defendants are residents of the State in which the
22 district is located, (2) a judicial district in which a substantial part of the events or omissions
23 giving rise to the claim occurred, or a substantial part of property that is the subject of the action
24 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
25 this action, any judicial district in which any defendant is subject to the court’s personal
26 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

27 In this case, the defendants are located and the claim arose in Alameda County, and
28 possibly also Napa County, which are both in the Northern District of California. Therefore,

1 plaintiff's claim should have been filed in the United States District Court for the Northern
2 District of California. In the interest of justice, a federal court may transfer a complaint filed in
3 the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d
4 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
6 States District Court for the Northern District of California.

7 Dated: February 13, 2020

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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